S & L Vitamins, Inc. v. Australian Gold, Inc. Doc. 98

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December 1, 2006

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Judge Joanna Seybert
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

Re: S&L Vitamins, Inc. v. Australian Gold, Inc.
Cause No. 2:05-CV-1217 (JS) (MLO)

Dear Judge Seybert:

Our law firm, located in Indianapolis, Indiana, is legal counsel to Australian Gold, Inc. Frances J. Earley with the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo in New York is our co-counsel in this matter.

This Court previously set a summary judgment briefing schedule with each party's initial brief due on December 4, 2006 and the response briefs due on December 18, 2006.

Unfortunately, Mr. Earley's twins who were born this Fall have become ill and have been in the hospital this entire week thereby requiring Mr. Earley to be out of the office. Mr. Earley will be in the hospital the entire weekend with his babies. Consequently, Mr. Earley has not been and will not be able to devote his time to the summary judgment brief due on Monday, for which we intend Mr. Earley to provide substantive input. In light of these unforeseen circumstances, Australian Gold is requesting an additional one week for the parties to file their initial summary judgment briefs. The undersigned has contacted Ronald Coleman, counsel for Plaintiff, concerning Mr. Earley's circumstances and the request for an adjournment of the current briefing schedule. Mr. Coleman does not object to Australian Gold's request.

Therefore, the parties request that the Court modify the summary judgment briefing deadlines as follows: The parties' initial brief shall be due on or before December 11, 2006. The parties' response brief shall be due on or before January 2, 2007, which is an additional one week to accommodate for the holidays.

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We apologize for bringing this to the Court's attention on such short notice and appreciate Your Honor's consideration of this request.

Respectfully submitted,

ICE MILLER LLP

Scott D. Matthews

SDM/tag
cc: Francis J. Earley
Ronald D. Coleman

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